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97TH CONGRESS
2d Session

SENATE

REPORT No.
97-583

COMPLETED
18
ORIGINAL

MISSING CHILDREN ACT

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ON

S. 1701

SEPTEMBER 24 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

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WASHINGTON : 1982

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[97th Congress]

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REPORT
No. 97-583

MISSING CHILDREN ACT

SEPTEMBER 24 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1701]

The Committee on the Judiciary, to which was referred the bill (S. 1701), having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

I. TEXT OF S. 1701 AS REPORTED

A BILL To amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Missing Children Act".

SEC. 2. (a) Section 534(a) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

"(3) acquire, collect, classify, and preserve any information from authorized officials of the Federal Government, the States, cities, and penal and other institutions, and acquire, collect, and classify any information from a parent, legal

guardian, or next of kin of an unemancipated person, as defined by the laws of the State of residence of such person, which would assist in the location of any missing person including but not limited to any missing person who—

"(A) is under proven physical or mental disability making the person a danger to himself or others;

"(B) is in the company of another person under circumstances indicating that his physical safety is in danger;

"(C) is missing under circumstances indicating that the disappearance was not voluntary; or

"(D) is unemancipated as defined by the laws of his State of residence and after such parent, legal guardian or next of kin of such unemancipated person has reported the missing person to the appropriate law enforcement agency which has jurisdiction to investigate such matter; and"; and

(4) by striking out "exchange these records" in paragraph (4) (as so redesignated) and inserting in lieu thereof "exchange such records or information".

SEC. 3. (a) The heading for section 534 of title 28, United States Code, is amended to read as follows:

"§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials".

(b) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 534 and inserting in lieu thereof the following new item:

"534. Acquisition, preservation, and exchange of identification records and information; appointment of officials.".

II. PURPOSE

The FBI maintains the National Crime Information Center ("NCIC") to collect and record data to assist in law enforcement. The Missing Children Act, S. 1701, would statutorily extend the FBI's authority to include data in the NCIC to assist in the identification of missing children and dead bodies.

III. HISTORY OF LEGISLATION

The Missing Children Act, S. 1701, was introduced on October 5, 1981. The Subcommittee on Investigations and General Oversight of the Senate Labor and Human Resources Committee held hearings on the problem of missing and abducted children on October 6, 1981. Witnesses included: Julia Patz, John and Reve Walsh, Camille Bell, all parents of missing children; Captain Paul Michna, Juvenile Division, Special Investigations Bureau, Houston Police Department; Kristin Cole Brown, Information Director, Child Find, New Paltz, N.Y.; and Richard Ruffino, Detective Sergeant, Bergen County Sheriff's Department, Hackensack, N.J. The Subcommittee on Juvenile Justice of the Senate Committee on the Judiciary, to which the bill was referred, held hearings on April 1, 1982 on missing and exploited children. Among those testifying on S. 1701 were Mark Richard, Deputy Assistant Attorney General for the Crimi-

nal Division, U.S. Department of Justice, Senator Paula Hawkins, and John Walsh of Hollywood, Florida.

Seventy-six Senators have joined as cosponsors of S. 1701. On November 12, 1981, the Senate adopted the language of S. 1701 as an amendment to H.R. 4169, the Commerce, State, Justice Appropriations bill for fiscal year 1982. On November 19, 1981, S. 1701 was accepted as an amendment to H.J. Res. 357, the Continuing Resolution. Although this amendment was deleted during the House-Senate Conference, the conferees did approve legislative report language that urged the House and Senate Judiciary Committees to quickly enact the legislation without delay. On June 30, 1982, the Subcommittee on Juvenile Justice amended S. 1701 and favorably reported the bill to the Committee on the Judiciary. On July 29, 1982, the bill was reported favorably by the Committee on the Judiciary. On September 14, 1982, the Committee on the Judiciary approved without objection a budget waiver for the bill.

IV. Statement

A history of NCIC

The National Crime Information Center ("NCIC") was created in January 1967, under the authority granted to the Attorney General in section 538 of title 28, United States Code, to acquire, collect, classify and preserve identification, criminal identification, and other records and to exchange such for the official use of authorized officials of the Federal Government, the States, cities, penal and other institutions.

In May, 1968, the NCIC Advisory Policy Board appointed a subcommittee to develop classifications of missing persons. A year later at the 1969 NCIC Advisory Policy Board meeting, the subcommittee recommended two categories of persons who could be included in a missing person's file: individuals under 18 years of age, and individuals over 18 years of age who are known to suffer from senility or amnesia, who are mentally retarded or disturbed, or whose disappearance was not voluntary.

These categories were later expanded to include:

(Disability) 1. A person of any age who is missing and under proven physical and/or mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

(Endangered) 2. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger.

(Involuntary) 3. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., abduction or kidnapping.

(Juvenile) 4. A person who is missing and declared unemancipated as defined by the law of his/her state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

In 1973 the NCIC Advisory Policy Board initially suggested placing missing persons in the Wanted Person file as opposed to the creation of a separate missing person locater file and requested an opinion of the FBI legal staff. In February, 1974, the FBI advised

against doing so and reported that because of "increased awareness of the right of privacy and the fear of having the right invaded through the use of a computer: a separate Missing Person File should be established." Specifically the FBI legal staff recommended that:

Any Missing Person File be in a separate file;

The file should be an index to missing persons only and not persons for whom an arrest warrant is outstanding;

Each Missing Person File record should be based upon written documentation in the possession of the agency entering the File;

Persons to be included would be only those under noncriminal legal disability as follows:

(1) unemancipated juveniles:

(2) persons legally adjudicated as under legal disability;

(3) persons determined to be under real and dangerous physical disability:

The file must not abridge the rights of privacy.

The missing persons file classification was established in 1975. The current NCIC computer contains 9.6 million records. Nearly 25 percent of the current storage consists of data on stolen securities. Less than 0.3 percent pertains to missing persons. Since 1975, approximately 780,000 missing persons records have been entered in the file, including 592,000 juveniles. The total number of missing persons contained in the file as of April 1, 1982, was 24,640, of which approximately 19,000 are juveniles. The missing person file is the most active NCIC file in terms of percentage of records entered and cleared with an average turnover rate per month of 50 percent.

NEED FOR LEGISLATION

Despite the existence of a nationwide missing persons file since 1975, the FBI's own statistics indicate that only 10 percent of all missing persons are ever entered into this system. While accurate statistics of missing children are unavailable, the Department of Health and Human Services estimates that 1.8 million children are missing from their homes each year. In 1981, 25 of the largest cities in the U.S. reported a total of 85,000 missing children with 7,000 of those cases remaining unsolved. The number of children murdered in the U.S. in 1980 was 2,729. But as of April 1, 1982, only 23,739 persons, adults as well as children, were listed on the NCIC computer.

The Justice Department admits that the major problem with the current system is under utilization by state and local law enforcement agencies. Estimates on the degree of this underutilization vary. The Congressional Budget Office estimates that 10 percent of the 50,000 stranger abductions of children which occur annually are not reported to NCIC. In contrast, the Subcommittee on Investigations and Oversight of the Senate Labor and Human Resources Committee surveyed 25 of the top 35 cities (by population) in order to gain accurate figures concerning the problem of missing children. That survey showed that only 10–14 percent of missing children had been reported to the NCIC missing persons file. When the

Subcommittee further inquired of 30 major police departments whether or not they were using the NCIC system to list children as missing persons, six replied that they were not plugged into the NCIC system. User statistics from the system itself indicate however, that 17 of these cities had not, in fact, been listing children as missing persons.

SUBCOMMITTEE SURVEY OF MISSING CHILDREN IN U.S. DURING 1981 [1]

	Population	Missing children	Unsolved at years end
Detroit	1,203,339	4,905	385
San Diego	875,504	2,914	428
Washington, D.C.	637,651	2,168	59
Denver	491,396	2,397	300
Oklahoma City	403,213	1,354	487

[1] 84,000 missing children; 7,000 cases still unsolved at years end.

Source: Police Departments in 25 of the top 35 cities in the U.S. (by population). Official police reports filed for these missing individuals.

MISSING PERSON FILE: ACTIVITY BY STATE FOR AUGUST 1981

[Population in millions]

State	Entries	Population	Utilization rank
Alabama	11	3.9	43
Alaska	34	.4	7
Arizona	270	2.7	4
Arkansas	11	2.3	41
California	507	23.7	25
Colorado	276	2.9	5
Connecticut	222	3.1	13
Delaware	31	.6	18
Florida	885	9.8	6
Georgia	87	5.5	31
Idaho	3	.9	42
Illinois	835	11.4	10
Indiana	78	5.5	32
Iowa	193	2.9	12
Kansas	23	2.4	35
Kentucky	83	3.7	25
Louisiana	68	4.2	36
Maine	2	1.1	45
Maryland	589	4.2	46
Massachusetts	318	5.7	16
Michigan	690	9.3	9
Minnesota	296	4.1	11
Mississippi	19	2.5	38
Missouri	500	4.9	3
Nebraska	72	1.6	19
Nevada	18	.8	24
New Hampshire	18	.9	27
New Jersey	424	7.4	15
New Mexico	8	1.3	39
New York	1,446	17.6	8
North Carolina	71	5.9	33
North Dakota	31	.7	20
Ohio	333	10.8	21
Oklahoma	26	3.0	36
Oregon	616	2.6	2
Pennsylavania	291	11.9	22
Rhode Island	138	9.4	28
South Dakota	16	.7	23

BEST DOCUMENT AVAILABLE

MISSING PERSON FILE: ACTIVITY BY STATE FOR AUGUST 1981—Continued

[Population in millions]

State	Entries	Population	Utilization rank
Tennessee	47	4.6	34
Texas	850	14.2	14
Utah	12	1.5	37
Vermont	1	.5	44
Virginia	295	5.3	17
West Virginia	11	2.0	40
Wisconsin	1,155	4.8	1
Wyoming	9	.5	29

Order is determined by entries per capita submitted to the FBI.

Note: Hawaii, Montana, Puerto Rico, South Carolina and Washington supplied no data.

Reasons given for the reluctance of local police departments to enter missing children on the NCIC system included (1) a feeling that missing children were a "domestic dispute," best handled on the local level; (2) lack of awareness about the availability of the system; and (3) reluctance to use limited manpower to update the NCIC files periodically.

The need for this legislation has been stressed by law enforcement and children's rights groups throughout the nation. A joint statement issued by the American Bar Association, Child Welfare League of America, International Association of Chiefs of Police, National Association of Counties, National Association of Criminal Justice Planners, National Association of Social Workers, National Council of Juvenile and Family Court Judges, National District Attorneys Association, National Youth Work Alliance, Center for Community Change, and Police Executive Research Forum provides:

> On behalf of our diverse national professional organizations representing attorneys, judges, prosecutors, child welfare and criminal justice agencies, social workers, youth workers, law enforcement officers and county officials, we have joined to express our concern for the plight of the thousands of children who disappear from their homes annually. We are also concerned over the inability of our federal government heretofore to play an effective role in the interstate search for these children.
>
> We believe missing children are highly vulnerable to physical, sexual, and emotional abuse and exploitation. We further know that after their disappearance, their parents often feel helpless in that few tools are available to assist them in the search for their missing son or daughter. After exhausting their own finances and state and local resources, they frequently turn to Washington for aid, but find no federal program to assist them.
>
> Legislation to help address this serious national problem is presently before the Congress and is entitled the "Missing Children Act." Enactment of this bill, however, unfortunately has become stalled. Yet it would represent a simple and expensive, but important, advance in the role our federal government can play in helping state and local

law enforcement agencies to locate and identify these young victims.

Essentially, the proposed Act for the first time would establish within the F.B.I. a special national clearinghouse for missing children and the unidentified dead. This is important because, according to testimony before the Subcommittee on Oversight and Investigations of the Senate Labor and Human Resources Committee, only 10 percent of those reported as missing are now entered into the F.B.I's existing computerized information system.

Each of our organizations has been continually supportive of the need for effective federal laws assuring the protection of children from serious abuse and neglect. We now call upon Congress promptly to enact legislation to aid in the search for missing children. Every day of delay in the passage of a federal law on this subject means that thousands of parents will be without a useful resource to help locate their missing children. And the children, whether runaways or victims of abduction, will continue to risk death or serious bodily harm. Without the Unidentified Body Clearinghouse, many bodies of dead children will also lie unclaimed by parents who are unaware of their child's death.

We intend to remain involved with this issue to help assure implementation of laws and policies at all levels of government which will assist the law enforcement community in their own effective response to this problem. Once the Missing Children's and Unidentified Body file is in place at the F.B.I., we further intend to work locally with law enforcement and social service agencies to educate them on the critical need for prompt reporting of missing children to the new clearinghouse, as well as other actions that will aid in the location and identification of these children.

In addition, the Missing Children Act has been endorsed by B'nai B'rith, the New York State Legislature, and the Florida State Cabinet.

It is important to note that this legislation will not impose any new investigative jurisdiction on the FBI. Proponents of the legislation recognize this fact. On April 1, 1982, John Walsh testified:

> We realize that this is a state and local problem and should be researched first by the state and local authorities as they conduct the initial investigation. We also realize that the NCIC is under utilized and that many police agencies don't even know it exists.
>
> * * * * * * *
>
> We are not asking the FBI or the Justice Department to look for missing children, we are not asking for them to assist in performing autopsies or locating relatives or loved ones of unidentified dead. We are simply asking that they acquire, classify, collect and disseminate information on missing children and unidentified dead to make it easier

for coroners that do care and police officials that do care as well as parents who would like a little piece of mind that their children's information is in some national network. We are not proposing that parents of a missing child circumvent the local police or go directly to the FBI, which would impede the investigation by local police for 'a variety of reasons' and would diminish the effectiveness of the NCIC.

Moreover, the Committee believes it essential that any proposed clearinghouse of information on missing children, whether included in the NCIC system or not, contain the name, date of birth, and a complete physical description of the missing child. The Federal Bureau of Investigation should provide local law enforcement agencies with a detailed format for the entry of such information. In addition, the system should have the capability to be searched by inquiring agencies by the use of a name only, a date of birth only, or a physical description only. If a local medical examiner is aware of the existence of a deceased child, he must be able to access the clearinghouse using the deceased child's physical characteristics only. This would be entirely separate and distinct from the unidentified dead file.

A need also exists for the creation of an unidentified dead file that would contain descriptive information obtained from deceased individuals whose identity can not be determined. The FBI's NCIC management, NCIC users, and the NCIC Advisory Policy Board have considered the creation of such a file for approximately the last two years. Since the fall of 1980, the NCIC Advisory Policy Board has been studying the need and feasibility for the creation of such a file. On June 16, 1981, NCIC Advisory Policy Board recommended that the need exists for a National Unidentified Dead File. The Board recommended that standards be developed among the states to establish acceptable criteria in the collective effort to identify unknown deceased individuals. Currently there is no national or uniform system for identifying unknown deceased individuals. It is estimated that approximately 2,000 to 5,000 unidentified dead are found in the United States each year.

Last summer, the Colorado State Bureau of Investigations expanded their unidentified dead persons file to include information from the entire nation. While the data collected from the Colorado pilot program will be useful in developing a federally funded national program for the unidentified dead, there are significant lapses which need to be addressed in the establishment of a national clearinghouse on the unidentified dead.

First, it is essential that any national clearinghouse of this type be based upon autopsy information obtained through a complete report by a local medical examiner or coroner's office. This would normally include dental x-rays, which would form the basis of any positive identification. The pilot project in Colorado *refuses* such autopsy information and relies upon teletype communications. Many law enforcement agencies feel that teletype communications are incomplete and inaccurate. Second, those most experienced in this field should serve as consultants for such a project. The California Department of Justice, which has been operating a similar

unidentified dead body project for the last three years, was not consulted in the development and operation of the Colorado project on unidentified dead. The Attorney General should appoint an appropriate board of advisors to oversee the establishment and operations of the national clearinghouse on the unidentified dead. This board should include officials from the States currently identifying deceased remains, medical examiners, experienced homicide investigators from various agencies, and forensic odontologists. An appropriate advisory board would significantly reduce the problems encountered in establishing and operating an effective clearinghouse on the unidentified dead.

V. Section-by-Section Analysis

Section 1 cites the Act as the "Missing Children Act."

Section 2(a) amends section 534(a) of title 28 by adding two new subsections. New subparagraph (2) authorizes the Attorney General to acquire, collect, classify, and preserve information which would assist in the identification of any unidentified deceased individual. New subparagraph (3) would authorize the Attorney General to acquire, collect, classify, and preserve information which would assist in the location of any missing person, including any person who is under proven physical or mental disability making the person a danger to himself or others; is missing in the company of another person under circumstances indicating that his physical safety is in danger; is missing under circumstances indicating that the disappearance was not voluntary; or is unemancipated as defined by his state of residence. This subparagraph also provides that the parent, legal guardian or next-of-kin of an unemancipated minor may supply information to assist in the location of the minor after the parent has reported the missing minor to the law enforcement agency having jurisdiction to investigate the matter.

Section 3 of the bill changes the title of the section to include the word "information".

VI. Agency Views

By letter dated February 20, 1982 from Assistant Attorney General Robert A. McConnell to Strom Thurmond, Chairman of the Senate Committee on the Judiciary, the Department of Justice expressed reservations about S. 1701. The Department reconsidered its position and subsequently modified its view to suggest that with four amendments the Department could grant a qualified endorsement to S. 1701. This view was expressed in a letter to Senator Thurmond dated June 22, 1982.

U.S. Department of Justice,
Office of Legislative Affairs,
Washington, D.C., June 22, 1982.

Hon. Strom Thurmond,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to your letter of April 19, 1982 seeking the views of the Department of Justice on four proposed amendments to S. 1701, the proposed Missing Children

Act. As you know, the Department previously recommended against enactment of this bill because, among other reasons, we were concerned that direct parental access to the National Crime Information Center (NCIC) would be counterproductive and raise false expectations in the minds of parents of missing children. Since our last communication, we have met with representatives of the principal sponsors of this legislation and have discussed various options for addressing our concerns. We believe that the four amendments to S. 1701 strengthen the bill and address many of concerns. We do, however, have additional comments and would suggest modification of Amendment 4 to make it less ambiguous in its coverage.

(1) The first proposed amendment would eliminate the fifteen day waiting period after discovery of an unidentified deceased person, so as to permit the Attorney General immediately to acquire, collect, classify, and preserve information which would assist in the identification of such a person. The Department has no objection to this amendment.

(2) The second proposed amendment allows the Attorney General to "acquire, collect, and classify" information from a parent, legal guardian, or next of kin of a missing child. Under the existing language of the bill, the Attorney General would "acquire, collect, and classify, and preserve" such information.

The Attorney General would continue to "acquire, collect, and classify, and preserve" information entered into NCIC missing person file by authorized government officials. However, with regard to information received directly from parents and legal guardians of missing children, there would be no requirement to "preserve" such information. The apparent purpose of this amendment is to provide the FBI with authority to periodically purge from the missing person file information received directly from a parent or legal guardian of a missing child without any action by the parent or legal guardian. Although we believe that the existing statutory authority to perserve records does not preclude the FBI from purging NCIC records from time to time, the Department has no objection to this amendment.

(3) The third proposed amendment would delete the word "who" on page 2, line 18 and insert, in lieu thereof, the following: "including but no limited to any missing person who." Essentially, this amendment is an acknowledgement of authority, under 28 U.S.C. 534(a), to acquire, collect, classify, and preserve certain records for official purposes. This amendment makes it clear that the Attorney General is not precluded from expanding the categories of missing persons that may be entered into the NCIC missing person file. The Department has no objection to this amendment.

(4) Under the existing language of the bill, a parent or legal guardian of a missing child would be allowed direct access to the FBI for the purpose of submitting, for entry into the NCIC missing person file, information which would assist in the location of the child. The fourth proposed amendment would limit direct parental access to the FBI until "after such parent, legal guardian or next of kin of such unemancipated person has contacted the appropriate law enforcement agency which has jurisdiction to investigate such matter;."

This amendment addresses our previously expressed concern that the bill, as originaly drafted, would encourage parents of missing children to circumvent the local law enforcement agency with responsibility for investigating missing children complaints, by permitting parents to go directly to the FBI with information about their missing children. In our view, however, this amendment is ambiguous, and is subject to the interpretation that a parent or legal guardian of a missing child would be allowed direct access to the FBI so long as there was some minimal or superficial contact with the local authorities.

It continues to be our position that the investigation of missing children complaints is primarily the responsibility of local law enforcement agencies. Accordingly, we believe it is essential to the interests of effective law enforcement that the local agencies, with responsibility for investigating missing children complaints, have complete access to all of the facts and circumstances of matters within their jurisdiction. Therefore, we recommend that the fourth proposed amendment be changed to read as follows: "after such parent, legal guardian or next of kin of such unemancipated person has filed a missing person report which is a matter of record with the appropriate law enforcement agency which has jurisdiction to investigate such matter; and;."

With the above amendments as modified by our proposed changes, the Department would be prepared to withdraw previous objections to the legislation, and support its enactment for a trial period of three years. During this period of time it is anticipated that the law enforcement community will have an opportunity to evaluate the practicality of providing for direct parental access to NCIC. We envision at the end of the three year period reporting to Congress the results of this experiment.

I hope the foregoing information will be of some assistance to you.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

The bill was subsequently amended by the Subcommittee on Juvenile Justice to include the first three amendments requested by the Department of Justice. To address the concern that parents would circumvent local law enforcement authorities, the bill was amended to provide that parents report missing children to their local agency before seeking to enter information in NCIC.

VII. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 19, 1982.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has pre-

pared the attached cost estimate for S. 1701, the Missing Children Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—AUGUST 19, 1982

1. Bill number: S.1701.
2. Bill title: Missing Children Act.
3. Bill status: As reported by the Senate Committee on the Judiciary, July 29, 1982.
4. Bill purpose: The bill would authorize the U.S. Attorney General to acquire and exchange information to assist federal, state, and local officials in identifying certain deceased individuals and in the location of missing children. The bill would authorize the Federal Bureau of Investigation (FBI) to acquire, collect, classify, and preserve information within the National Crime Information Center (NCIC), as a national clearinghouse on the unidentified dead. S. 1701 would also authorize federal officials to collect information for the missing persons file within NCIC from a parent, legal guardian, or next of kin of a missing child after such matter has been reported to the appropriate law enforcement agency.
5. Cost estimate: The estimated cost of implementing the activities authorized by this bill is shown in the following table:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Estimated cost	3.4	6.6	6.9	7.1	7.4

The costs of this bill fall within budget function 750.

6. Basis of estimate: There are no authoritative statistics concerning the number of missing children in this country. For the purposes of this estimate, CBO has obtained the best available information from various agencies within the Department of Health and Human Services, citizen action groups, and survey conducted by the Senate Committee on Labor and Human Resources. CBO has estimated that approximately 300,000 additional children annually would be entered into the NCIC missing person file as a result of the FBI parental access provision, as follows: (1) there are an estimated one million runaway youths annually, of which 25 percent would be reported by parents to NCIC; (2) there are approximately 100,000 parental abductions annually, of which 50 percent would be reported by parents to NCIC; and (3) there are approximately 50,000 stranger abductions and unsolved cases annually, of which all but 10 percent are currently being reported to the NCIC by state and local authorities.

The costs of entering 300,000 additional children into the NCIC computer has several components. Based on estimates provided by the FBI, CBO assumed headquarters costs of 4.8 cents per transaction, and five transactions per missing child report. An average of

one hour and 45 minutes of field office personnel was estimated for filing the initial report, handling, and administrative review, or $18.90 in fiscal year 1982 dollars. The cost of field office personnel was increased by 4 percent annually to reflect projected federal cost-of-living adjustments. Training and publishing expenses were roughly 10 cents per missing child report. CBO's estimate assumes that the parental access provision will be used by half of the anticipated number of parents during the first year of operation—fiscal year 1983.

CBO estimated that maintaining an unidentified dead file would have a start-up cost of $47,000 and annual operating expenses of $285,000. CBO assumed a start-up date in early fiscal year 1983.

7. Estimate comparison: The FBI has prepared a cost estimate for operation of a Missing Children File. It has estimated the cost of handling 250,000 missing child reports at $5,326,857 and 1,000,000 reports at $21,298,780, in fiscal year 1982 dollars. The cost of handling 300,000 reports annually would therefore be approximately $6.5 million.

8. Previous CBO estimate: None.

9. Estimate prepared by: Amy L. Dines.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

VIII. REGULATORY IMPACT

In accordance with paragraph 11b of rule XXVI of the Standing Rules of the Senate, the following statement of the regulatory impact of S. 1701 is made:

A. ESTIMATED NUMBER OF INDIVIDUALS AND BUSINESSES REGULATED AND THEIR GROUPS OR CLASSIFICATION

Section II of the bill amends current law to extend existing authority. The provision would not result in any significant regulatory authority beyond the modifications, where appropriate, of existing regulations to reflect the extentions. Section I of the bill establishes a new clearinghouse on the unidentified dead. This section may require the adoption of regulations or guidelines specifying the form and content of information entered into the clearinghouse by local law enforcement agencies. The Committee has determined that this legislation would not increase the regulatory and paperwork burdens on individuals or businesses.

B. ECONOMIC IMPACT

The Committee feels that enactment of this legislation will not cause any significant economic impact on individuals.

C. IMPACT ON PERSONAL PRIVACY

This legislation codifies the existing categories of missing persons entered in the National Crime Information Center. This legislation does not change the criteria for the entry of information into the NCIC system. The passage of Section II of the legislation should have little impact on personal privacy. Section I of the legislation

may impact on personal privacy because it provides for a clearinghouse of information on the unidentified dead. The identity of previously unknown deceased individuals may be determined.

D. ADDITIONAL PAPERWORK, TIME AND COSTS

The Committee estimates that the provisions that allows parents, legal guardians and next of kin of unemancipated minors as well as local law enforcement agencies to enter information about missing children will significantly increase the utilization of the existing NCIC missing person clearinghouse. Therefore, there will be a corresponding increase in the paperwork, use of field office personnel, handling and administrative review of entries.

IX. Changes in Existing Law Made by S. 1701 as Reported

In accordance with paragraph 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

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PART II. DEPARTMENT OF JUSTICE

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CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.
531. Federal Bureau of Investigation.
532. Director of Federal Bureau of Investigation.
533. Investigative and other officials; appointment.
534. Acquisition, preservation, and exchange of identification records *and information*; appointment of officials.
535. Investigation of crimes involving Government officers and employees; limitations.
536. Positions in excepted service.
537. Expenses of unforeseen emergencies of a confidential nature.

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"§ 534. Acquisition, preservation, and exchange of identification records *and information*; appointment of officials".

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; [and]

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information from authorized officials of the Federal Government, the States, cities, and penal and other institutions, and acquire, collect,

and classify any information from a parent, legal guardian, or next of kin of an unemancipated person, as defined by the laws of the State of residence of such person, which would assist in the location of any missing person including but not limited to any missing person who—

(A) is under proven physical or mental disability making the person a danger to himself or others;

(B) is in the company of another person under circumstances indicating that his physical safety is in danger;

(C) is missing under circumstances indicating that the disappearance was not voluntary; or

(D) is unemancipated as defined by the laws of his State of residence and after such parent, legal guardian or next of kin of such unemancipated person has reported the missing person to the appropriate law enforcement agency which has jurisdiction to investigate such matter; and

[(2)**]** *(4)* **[**exchange these records**]** *exchange such records or information* with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.

(b) The exchange of records authorized by subsection (a) (2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

X. Vote of Committee

The Missing Children Act was reported by the Committee on the Judiciary without objection.

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